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Hospitals, Napa; Denise Daly, and Jason Gooding*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**RAOUL FLAVIANO,**

Plaintiff,

v.

**DEPARTMENT OF STATE HOSPITALS,  
NAPA; DENISE DALY; JASON  
GOODING; and DOES 1 through 50,  
inclusive,,**

Defendants.

3:14-cv-05671 WHA

**STIPULATION AND ~~PROPOSED~~  
ORDER FURTHER EXTENDING  
APPOINTMENT OF MEDIATOR AND  
DEADLINE FOR CONDUCTING  
MEDIATION**

Courtroom: Courtroom 8, 19th floor  
Judge: The Honorable William Alsup  
Trial Date: February 27, 2017  
**Action Filed: December 30, 2014**

IT IS HEREBY STIPULATED, by and between the parties to this action, Plaintiff Raoul Flaviano and Defendants Department of State Hospitals, Napa, Denise Daly, and Jason Gooding, through their respective attorneys of record, that the parties agree that the appointment of Peter R. Boutin as the Mediator in this case, pursuant to ADR L.R. 6-3(a), and the deadline for conducting mediation, shall be further extended to and including, February 17, 2017, for the following reasons:

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On February 1, 2016, pursuant to stipulation between the parties herein, and with the permission of the mediator, the court extended Mr. Boutin's appointment to the close of business on August 31, 2016. Unfortunately, mediation could not take place before August 31, 2016. Counsel for defendants, Deputy Attorney General Raymond W. Hamilton, was in the process of preparing a motion for summary judgment and planned to file it on or about September 9, 2016. Therefore, mediation had to be delayed. However, shortly before Mr. Hamilton filed his motion, Scott A. Brown, the partner of David M. Poore, counsel for plaintiff, informed Mr. Hamilton that Mr. Poore, was ill and would have to take some time off from work. Mr. Brown subsequently filed an unopposed ex parte motion to continue trial, which this court granted. Consequently, Mr. Hamilton did not file the motion. Trial is currently scheduled on February 27, 2017.

The mediator's authority to mediate this case ended at the close of business on August 31, 2016. Therefore, with the permission of the mediator, the parties herein respectfully request the court to further extend the mediator's appointment to the close of business on February 17, 2017, should mediation be necessary.

BROWN & POORE LLP

Dated: November 16, 2016

By: /s/ David M. Poore  
DAVID M. POORE, Esq.  
*Attorneys for Plaintiff Raoul Flaviano*

Dated: November 16, 2016

KAMALA D. HARRIS  
Attorney General of California  
FIEL D. TIGNO  
Supervising Deputy Attorney General

By: /s/Raymond W. Hamilton  
RAYMOND W. HAMILTON  
Deputy Attorney General  
*Attorneys for Defendants*

Pursuant to Stipulation, it is so ordered.

Dated: November 29, 2016.

  
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Hon. William Alsup  
U.S. District Court Judge

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Stip and Order Further Extending Mediator.doc